

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

**Second Supplement to the
Final Statement of Reasons for Rulemaking,
Including Summary of Comments and Agency Responses**

**PROPOSED AMENDMENTS TO THE CALIFORNIA
ZERO EMISSION VEHICLE PROGRAM REGULATIONS**

Public Hearing Date: January 25, 2001
Agenda Item No.: 01-01-1

Second Supplement prepared January 23, 2002

1. Replace the text of footnote 1 on page 3 with the following:

¹ Two of the comments, each two pages long, were from automobile manufacturers who designated the contents confidential business information and also submitted separate comments that were not identified as confidential. The two comments designated confidential, along with the portion of General Motors' January 23, 2001 submittal that was also designated confidential, were not included in the rulemaking file initially transmitted to the Office of Administrative Law (OAL). Substituted for the submitted materials were sheets identifying the submittals and indicating they had been designated confidential. The submittals were subsequently made available to, and inspected by, OAL staff during OAL's review period.

2. Add at the end of the response to Comment 254 (page 142) the following:

Following the staff's presentation of its proposal at the beginning of the January 25, 2001 hearing, Board member Doreen D'Adamo recalled that at the September 2000 biennial review meeting, "several board members raised the issue of inclusion of SUVs in the base line" for determining a manufacturer's percentage ZEV requirements (Transcript, p. 49). She asked staff to provide information on the number of ZEVs that would be required if SUVs were included in the baseline. The automakers had of course fully participated in the biennial review process and the Board's September 7-8, 2000 meeting at which extensive testimony on the ZEV requirements was received. Since the staff's proposed ZEV amendments grew out of the biennial review meeting, it is appropriate to view the hearing notice for the rulemaking – and the kinds of modifications the Board might reasonably be expected to make to the original proposal – in the context of the Board member comments at the September meeting. As several Board members had in September raised the issue of inclusion of SUVs in the baseline, it could reasonably be expected that these same Board members would raise the issue again at the January hearing. Moreover, the fact that Ms. D'Adamo specifically raised the SUV issue before public testimony began at the January hearing meant that automakers and others had the opportunity to address this issue in their oral comments at the hearing.

3. Part 4 of Volume 2 of General Motors' January 23, 2001 submittal was identified as a "Request for Administrative Action Under Section 11340.6 of the California Government Code." Apart from the current ZEV rulemaking and following the procedures in Government Code section 11340.7(a), the ARB's Executive Officer denied this petition in a letter dated February 22, 2001.